

AGENDA
VIRTUAL BIRMINGHAM DESIGN REVIEW BOARD MEETING
WEDNESDAY – March 3rd, 2021
******* 7:15 PM*******

Link to Access Virtual Meeting: <https://zoom.us/j/91282479817>
Telephone Meeting Access: 877 853 5247 US Toll-free
Meeting ID Code: 912 8247 9817

- 1) **Roll Call**
- 2) **Approval of the DRB Minutes of February 3rd, 2021**
- 3) **Public Hearing**
- 4) **Design Review**
- 5) **Sign Review**
- 6) **Study Session**
 - A. **Wall Art**
- 7) **Miscellaneous Business and Communication**
 - A. **Pre-Application Discussions**
 - B. **Draft Agenda**
 1. **March 17th, 2021**
 - C. **Staff Reports**
 1. **Administrative Sign Approvals**
 2. **Administrative Approvals**
 3. **Action List 2021**
- 8) **Adjournment**

Notice: Individuals requiring accommodations, such as interpreter services for effective participation in this meeting should contact the City Clerk's Office at [\(248\) 530-1880](tel:2485301880) at least one day in advance of the public meeting.

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A PERSON DESIGNATED WITH THE AUTHORITY TO MAKE DECISIONS MUST BE PRESENT AT THE MEETING.

Design Review Board
Minutes Of February 3, 2021
Held Remotely Via Zoom And Telephone Access

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, February 3, 2021. Chair John Henke called the meeting to order at 7:48 p.m.

1) ROLL CALL

Present: Chair John Henke; Board Members Keith Deyer, Natalia Dukas, Dustin Kolo, Patricia Lang, Michael Willoughby (all members located in Birmingham, MI); Alternate Board Member Samantha Cappello (located in Melbourne Beach, FL)

Absent: Board Member Gigi Debbrecht; Alternate Board Member Kathleen Kriel

Administration: Nicholas Dupuis, City Planner
Laura Eichenhorn, City Transcriptionist

Chair Henke notified the DRB that inclusive of the present meeting and henceforth both the HDC and DRB meetings would be televised.

02-015-21

2) Approval Of Minutes

Motion by Mr. Willoughby
Seconded by Mr. Kolo to approve the DRB Minutes of January 20, 2021 as submitted.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Willoughby, Kolo, Lang, Dukas, Deyer, Henke, Cappello

Nays: None

02-016-21

3) Public Hearing

None.

02-017-21

4) Design Review

A. 33202 Woodward – Piety Hill

CP Dupuis reviewed the item.

Greg Penzel, Charlie Laurencelle, and Mark Drane were present on behalf of the application.

In reply to Chair Henke and Mr. Deyer, Mr. Laurencelle confirmed it would be his preference to work with CP Dupuis to devise a sign plan maximizing the allowable square footage within the sign band and then to submit that plan for administrative approval.

The DRB was comfortable with the sign plan being administratively approved by CP Dupuis.

Motion by Ms. Dukas

Seconded by Ms. Lang to approve the Design Review application for 33202 Woodward – Piety Hill – with the following conditions: 1. The applicant must submit a revised photometric plan that complies with the light intensity requirements of the Zoning Ordinance or obtain a variance from the Board of Zoning Appeals; and, 2. The applicant must submit a revised sign band plan to City Planner Dupuis for administrative approval.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Dukas, Lang, Willoughby, Kolo, Deyer, Henke, Cappello

Nays: None

02-018-21

5) Sign Review

None.

02-019-21

6) Study Session

None.

02-020-21

7) Miscellaneous Business And Communications

A. Pre-Application Discussions

B. Draft Agenda - March 3, 2021

C. Staff Reports

1. Administrative Sign Approvals

2. Administrative Approvals

3. Action List - 2021

In reply to Mr. Willoughby, CP Dupuis and Chair Henke said they would look into whether the DRB has any purview over, or right to comment on, some of the window graphics being proposed for parts of the Baldwin Library.

02-021-21

Adjournment

Motion by Ms. Lang

Seconded by Mr. Willoughby to adjourn the DRB meeting of February 3, 2021 at 8:09 p.m.

Motion carried, 7-0.

ROLL CALL VOTE

Yeas: Lang, Willoughby, Cappello, Kolo, Deyer, Dukas, Henke

Nays: None

Nicholas Dupuis
City Planner

DATE: February 21st, 2021

TO: Design Review Board

FROM: Brooks Cowan, City Planner

SUBJECT: Study Session: Wall Art

Conversations regarding wall art in Birmingham with the Public Arts Board occurred throughout 2019 and 2020. On August 24th, 2020, the Public Arts Board submitted a report to City Commission with a number of recommendations, one being to allow murals and wall art in the City.

On August 19th, 2020, the Design Review Board conducted a study session related to murals and art on the exterior of buildings. The issue was brought up by staff when Griffin Claw Brewery requested to have an artist paint a mural on the side of their building. Issues related to the Sign Ordinance preventing murals from being painted on the side of a building were discussed, as well as issues regarding the lack of clarity in the Sign Ordinance and Zoning Ordinance for the application of wall art versus signage and building design features. Discussion regarding the location of wall art and how the board may consider limiting such art to certain locations occurred. There was also discussion related to defining art to separate wall art from signage and architectural design features.

On November 4th, 2020, staff presented the Terminating Vista Report and wall art recommendations to the Design Review Board where staff recommended that the Design Board consider three items related to wall art for discussion:

- 1.) Permitting murals to be painted on the exterior of buildings;
- 2.) Permitting wall art to be applied to the exterior of buildings, including but not limited to:
 - Temporary Canvasses
 - Ceramic Tiling
 - Wall sculptures
- 3.) Creating a review process for wall art that incorporates a review and recommendation from the Public Arts Board first.

In regards to discussion item one, the Design Review Board was amenable to murals being painted directly onto buildings in areas such as alleys, however they expressed concern about this being applied to the front of a building. A member of the DRB was also involved in the Alleys and Passages Plan committee and noted that murals in alleys could be a positive addition to the plan.

In regards to discussion item two, the Design Review Board was also amenable to temporary art, though they had issues related to how the city regulates content. Permissible content could be discussed during study sessions with Public Arts Board and Design Review Board for further

review. Content could also be regulated by requiring a rendering of the proposed mural design during the approval process.

In regards to discussion item three, the Design Review Board was also amenable to a wall art review process that involves an application for wall art, and is reviewed with a recommendation by the Public Arts Board before going to the Design Review Board for final review.

On November 18th, 2020 the Public Arts Board discussed the following items brought up at the Design Review Board and recommended topics from staff:

1. Allowing murals directly on buildings along the alley and passages as indicated in the Alleys and Passages Plan (see map below). The 2040 Draft Master Plan recommends the Rail District as a potential location for this as well. The Board may wish to discuss limiting this to certain areas.
2. Creating a content review process for temporary wall art such as canvasses. For example, will the applicant be required to provide renderings beforehand, or can an artist be commissioned to paint what they wish after review of a portfolio?
3. Creating a review policy for wall art that involves comment from the Public Arts Board before the Design Review Board makes the final approval or denial.

There was general consensus from the Board that the locations suggested by the DRB were reasonable. The Public Arts Board also felt that drawings, renderings, or photos of the proposal should be required before approval. The Board was also amenable to a process involving making recommendations to the Design Review Board prior to the DRB going through the final review process.

On January 21st, 2021, the Public Arts Board reviewed ordinance language that defined wall art and created a review process for approval. In regards to wall art being limited to the Rail District and alleys within the Downtown Overlay and Triangle District, the Public Arts Board is currently content with the recommended areas. If the City likes the program and wanted to expand the boundaries in the future, the Public Arts Board mentioned that they would be amenable to doing so.

Concerns about content was discussed at both the Design Review Board and the Public Arts Board throughout the study session process. Given the broad concept of what is considered art, staff recommended to the Public Arts Board that the definition of wall art be kept broad. Attempting to regulate content with a specific list of what is and is not allowed to be considered art would be cumbersome to put into ordinance language. The Public Arts Board felt that the best way to regulate the content, design and to distinguish between art and signage is to require renderings of the proposed artwork prior to approval and allow the content to be vetted by staff, the Public Arts Board, and the Design Review Board.

Suggested Action:

To recommend Zoning Ordinance amendments to Article 7, Section 7.41-7.44 and Article 9, Section 9.02 to define wall art and require a review process involving the Public Arts Board for recommendation and Design Review Board for final approval.

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9 – DEFINITIONS TO DEFINE WALL ART AND DETERMINE PERMITTED LOCATIONS FOR WALL ART

Wall Art – An artistic design applied to the exterior surface of privately owned structures in a permanent or temporary manner. The location of wall art is limited to side and rear walls within the defined Rail District boundary and any side or rear wall facing an alley, passage or via in the Downtown Overlay and the Triangle District as specified in the Alleys and Passages Plan.

ORDAINED this _____ day of _____, 2021 to become effective 7 days after publication.

Pierre Boutros, Mayor

Alex Bingham, City Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 7, SECTION 7.41-7.44 – PROCESSES, PERMITS, AND FEES TO CREATE A REVIEW PROCESS FOR WALL ART

7.41 Wall Art Review: Purpose

The purpose of this section is to ensure the location, size and content of wall art is appropriate for the proposed location.

7.42 Wall Art Review: Application Requirements

- A. An application for wall art shall include the following;
 - a. An application form from the Planning Department, indicating property owner's name, mailing address, location of the property, name of the artist, artist contact information, and such other information as deemed necessary by the appropriate reviewing body.
 - b. Two print copies and a digital copy of the proposed design which includes but is not limited to a drawing, rendering or photo of the proposed art work to be placed on the building, as well as the proposed dimensions of the art work.
 - c. A photo of existing conditions of the wall where the art work is proposed, along with the dimensions of the wall or walls.
 - d. A timeframe for the art work to be exhibited and whether it is intended to be temporary or permanent.
 - e. Specifications of materials that will be used for the art work.
 - f. A resume of the artist(s) including names, location, and photos of previous work.

7.43 Wall Art Review: Review

All applications for wall art begin with review and recommendation by the Public Arts Board. The application will then reviewed by the Design Review Board for final approval or denial. Final approval of wall art is subject to the review requirements for the Design Review Board as stated in Section 7.09 *Design Review: Review*.

7.44 Wall Art Review: Application Fee

An application fee as established by the City Commission and set forth in Appendix C shall be payable upon submitting an application for Wall Art Review pursuant to this division.

(Fee will be equal to Design Review fee)

ORDAINED this _____ day of _____, 2021 to become effective 7 days after publication.

Pierre Boutros, Mayor

Alex Bingham, City Clerk

DOWNTOWN ALLEYS & PASSAGES CLASSIFICATIONS MAP

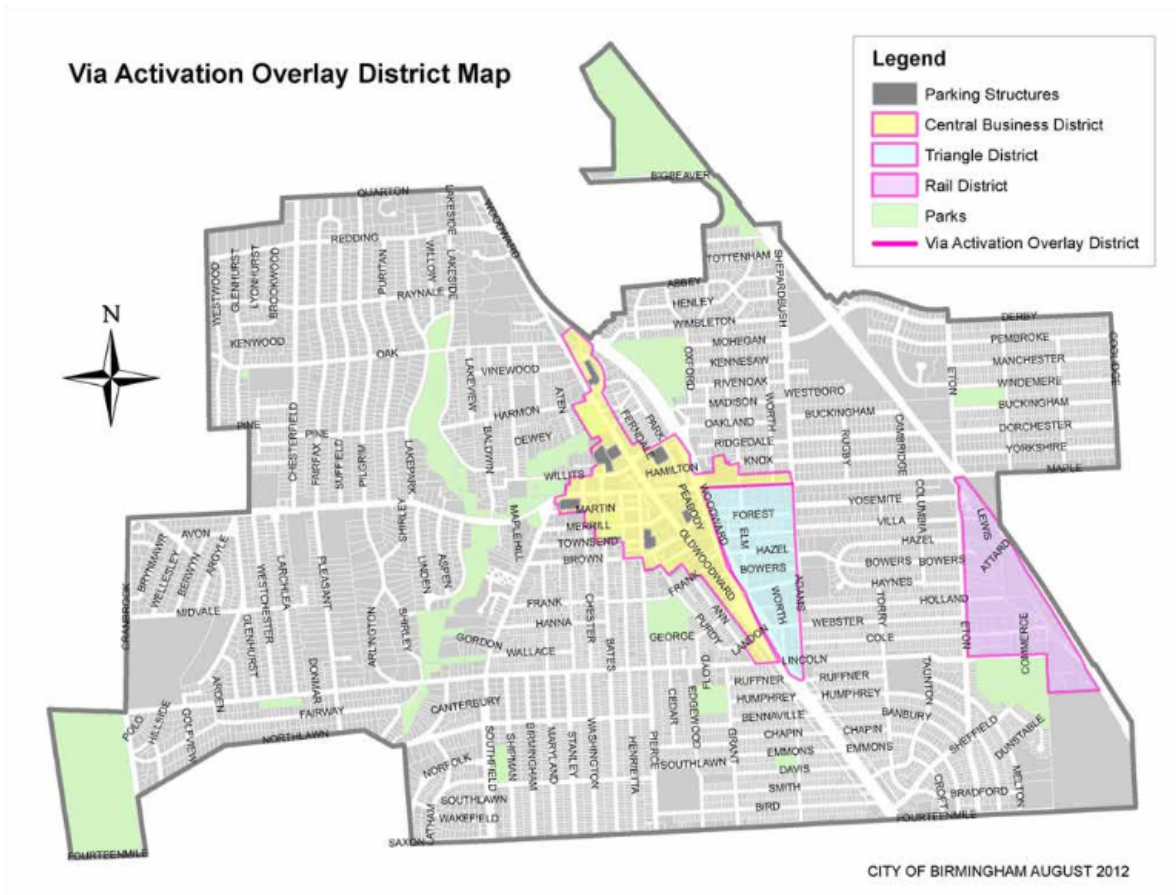


LEGEND

- Active
- Connecting
- Destination
- Parking Structures
- Parks
- ▬▬▬ Crosswalks
- ⊙ Vistas

3.14 Applicability

A. The Via Activation Overlay District shall be an overlay district that applies to all existing and future vias in all zoning districts within the areas identified below:



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 1. [April 7th, 2021](#)
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 1. [Administrative Sign Approvals](#)
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Design Review Board Action List – 2021

Design Review Board	Quarter	Rank	Status
Wall Art	1 st (January-March)	1	<input type="checkbox"/>
Update Sign Ordinance	2 nd (April-June)	2	<input type="checkbox"/>
Create New Informational Artwork for Sign Ordinance	3 rd (July-September)	3	<input type="checkbox"/>
Sign Ordinance Enforcement	4 th (October-December)	4	<input type="checkbox"/>

Updates:

1. Sign Ordinance update in progress.